

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
FACTORY 2-U STORES, INC. <u>et al</u>)	Bankruptcy Case No. 04-10111
)	
)	Adversary Case No. 06-50477
)	
)	
JEOFFREY L. BURTCH,)	
Chapter 7 Trustee)	
)	
Plaintiff)	
)	
v.)	
)	
ATLANTIC HOSIERY INC.)	Civil Action No. 07-700
GMAC COMMERCIAL FINANCE LLC)	
)	
Defendant.)	
)	

**NOTICE OF STIPULATION WITHDRAWING, WITHOUT PREJUDICE,
MOTION FOR WITHDRAWAL OF THE REFERENCE UNDER 28 U.S.C.
SECTION 157(d) FED.R.BANKR.P. 5011 AND DISMISSING CIVIL ACTION
WITHOUT PREJUDICE**

1. On August 16, 2007, GMAC Commercial Finance LLC (“**GMAC CF**”) filed Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the “**Withdrawal Motion**”) in the above captioned adversary proceeding.
2. On September 7, 2007, Plaintiff Jeoffrey L. Burtch, Chapter 7 Trustee, (the “**Trustee**”) filed Plaintiff’s Response to Defendant GMAC Commercial Finance LLC’s Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the “**Withdrawal Response**”).

3. On September 14, 2007 GMAC CF filed Defendant's Reply to Plaintiff's Response to Defendant GMAC Commercial Finance LLC's Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the "Reply").

4. On November 5, 2007, the Withdrawal Motion was docketed in the United States District Court for the District of Delaware and assigned the above-referenced Civil Action Number.

WHEREFORE, the Parties hereby stipulate and agree that the Withdrawal Motion is withdrawn without prejudice, each party to bear its own costs. All rights are reserved for the Parties to reassert their respective claims and defenses set forth in the Withdrawal Motion, the Withdrawal Response, and the Reply. It is further stipulated and agreed that this Civil Action is dismissed without prejudice, each party to bear its own costs.

Dated: November 8, 2007

BIFFERATO GENTILOTTI LLC



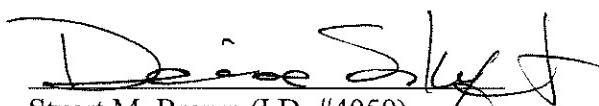
Linda Richenderfer (#4138)
Garvan F. McDaniel (#4167)
800 North King Street, Plaza Level
Wilmington, DE 19801
(302) 429-1900

- and -

Robert W. Pedigo (No. 4047)
COOCH AND TAYLOR
824 Market Street, Suite 1000
Wilmington, DE 19801
(302) 984-3832

*Attorneys for Jeoffrey L. Burtch, Chapter 7
Trustee*

EDWARDS ANGELL PALMER & DODGE LLP



Stuart M. Brown (I.D. #4050)
Denise Seastone Kraft (I.D. #2778)
Mark D. Olivere (I.D. #4291)
919 N. Market Street, Suite 1500
Wilmington, DE 19801
Telephone: (302) 777-7770
Facsimile: (302) 777-7263
dkraft@eapdlaw.com
molivere@eapdlaw.com

Counsel for GMAC Commercial Finance LLC